



Trafficking in Persons Report 2009

PHILIPPINES (Tier 2 Watch List)

The Philippines is a source, transit, and destination country for men, women, and children trafficked for commercial sexual exploitation and forced labor. A significant number of Filipino men and women who migrate abroad for work are subjected to conditions of involuntary servitude in Bahrain, Brunei, Canada, Cote d'Ivoire, Cyprus, Hong Kong, Japan, Kuwait, Lebanon, Malaysia, Palau, Qatar, Saudi Arabia, Singapore, South Africa, Taiwan, Turkey, and the United Arab Emirates. Muslim Filipina girls from Mindanao were trafficked to the Middle East by other Muslims. Filipinas are also trafficked abroad for commercial sexual exploitation, primarily to Hong Kong, Japan, Malaysia, Singapore, South Korea, and countries in Africa, the Middle East, and Western Europe. Internally, women and children are trafficked from poor farming communities in the Visayas and Mindanao to urban areas such as Manila and Cebu City, but also increasingly to cities in Mindanao, for commercial sexual exploitation or for forced labor as domestic servants or factory workers. An increasing number of women and children from Mindanao were trafficked internally and transnationally for domestic work. Traffickers used land and sea transportation to transfer victims from island provinces to major cities. A growing trend continued to be the use of budget airline carriers to transport victims out of the country. Traffickers used fake travel documents, falsified permits, and altered birth certificates. Migrant workers were often subject to violence, threats, inhumane living conditions, non-payment of salaries, and withholding of travel and identity documents. A small number of women are occasionally trafficked from the People's Republic of China, Russia, South Korea, and Eastern Europe to the Philippines for commercial sexual exploitation. NGOs suggested that organized crime syndicates, including syndicates from Japan, were heavily involved in Manila's commercial sex industry, where there are many domestic and some foreign victims of trafficking. International organized crime syndicates also transited trafficked persons from mainland China through the Philippines to third country destinations. Child sex tourism continues to be a serious problem for the Philippines, with sex tourists coming from Northeast Asia, Australia, Europe, and North America to engage in sexual activity with minors. The Government of the Philippines does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall efforts, the government did not show evidence of progress in convicting trafficking offenders, particularly those responsible for labor trafficking; therefore, the Philippines is placed on Tier 2 Watch List. Although there was an increase in the number of trafficking cases filed in court, only four trafficking convictions were obtained under the 2003 anti-trafficking law during the reporting period, and there were no reported labor trafficking convictions, despite widespread reports of Filipinos trafficked for forced labor within the country and abroad. The number of convictions for sex trafficking offenders is low given the significant scope and magnitude of sex trafficking within the country and to destinations abroad. Achieving more tangible results in convicting trafficking offenders, and in investigating and prosecuting officials complicit in trafficking is essential for the

Government of the Philippines to make more progress toward compliance with the minimum standards for the elimination of trafficking.

Recommendations for the Philippines: Significantly improve efforts to prosecute, convict, and punish trafficking offenders, including officials complicit in trafficking; dedicate more resources to efforts to prosecute trafficking cases; assess methods to measure and address domestic labor trafficking; implement antitrafficking awareness campaigns directed at domestic and foreign clients of the sex trade in the Philippines; dedicate increased funding for the Inter-Agency Council Against Trafficking (IACAT) and improve anti-trafficking coordination between government agencies; disseminate information on the 2003 law throughout the country; and train law enforcement officers and prosecutors on the use of the 2003 law.

Prosecution

The Philippine government demonstrated sustained but inadequate efforts to convict trafficking offenders during the reporting period. The Philippines criminally prohibits trafficking for both sexual and labor exploitation through its 2003 Anti-Trafficking Persons Act, which prescribes penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government has convicted 12 individuals of trafficking since the passage of this act, all for sex trafficking offenses. During the reporting period, four individuals in three cases of sex trafficking were convicted in Philippine courts; three of the convictions were a result of cases filed and prosecuted by an NGO on behalf of victims under an approach where the Philippines allows private attorneys to prosecute cases under the direction and control of public prosecutors. One convicted trafficker was sentenced to life imprisonment, and the remaining three were sentenced to 20 years' imprisonment, in addition to fines and damages. In December 2008, after a four-year trial, a judge acquitted an accused trafficker charged with transporting minors from Mindanao to Manila with the intent of forcing them into prostitution because the minors were rescued before they were actually forced into prostitution. The case is being appealed. NGOs report that an impediment to successful trafficking prosecutions is the lack of understanding of trafficking among judges, prosecutors, and especially law enforcement officers, some of whom have limited knowledge of using evidence to build cases. The government did not convict any offenders of labor trafficking during the reporting period. Philippine law enforcement agencies reported 168 alleged trafficking cases to the Department of Justice (DOJ) in 2008, of which prosecutors initiated prosecutions in 97 of the cases, an increase of more than 60 percent over the prior year. The remaining cases remain under preliminary investigation or were dismissed for lack of evidence or witnesses, or on other grounds. In November 2008, the Philippine government assisted Malaysian authorities in the case of a Singaporean recruiter who allegedly trafficked Filipina women to Malaysia for commercial sexual exploitation. The government's ability to effectively prosecute trafficking crimes is severely limited by an inefficient judicial system and endemic corruption. Despite a 2005 Department of Justice circular instructing that all trafficking cases receive preferential attention, trials often take years to conclude because of a lack of judges and courtrooms, high judge turnover, and non-continuous trials, which cause some victims to withdraw their testimony. Prosecutors with the DOJ's Anti-Trafficking Task Force handle trafficking cases along with many other types of cases, but receive special training to handle trafficking cases. A high vacancy rate among judges significantly slowed trial times further. In 2008, the Philippine Overseas Employment Agency (POEA) filed 318 administrative cases against licensed labor recruiters who used fraudulent and deceptive offers to entice job seekers abroad or imposed inappropriately high or illegal fees on prospective employees. There were seven convictions under the illegal recruitment law in 2008.

Corruption among law enforcement agents remained pervasive, and some law enforcement and immigration officers were complicit in trafficking and permitted organized crime groups involved in trafficking to conduct their illegal activities. It is widely believed that some government officials were directly involved in or profited from trafficking operations within the country. Law enforcement officers often extracted protection money from illegitimate businesses, including brothels, in return for tolerating their operation. During the reporting period, there were several reports of immigration officials involved in the trafficking of Filipinos overseas. The government conducted investigations during the year into official complicity or involvement in trafficking, but cases were still pending. The government did not prosecute or convict any officials for trafficking-related corruption during the reporting period. In September 2008, an Immigration officer was apprehended for her alleged role in aiding the trafficking of 17 Mindanao children to Syria and Jordan, but charges against her were dropped due to insufficient evidence. The 2005 case of police officer Dennis Reci, charged for allegedly trafficking minors for commercial sexual exploitation at his night club in Manila, was still pending in early 2009.

Protection

The Philippine government continued to provide support services to victims of human trafficking, including through sustained partnerships with NGOs and international organizations. Police sometimes brought charges of vagrancy against victims, despite laws that seek to ensure that victims are not penalized for crimes related to acts of trafficking. The government actively encouraged victims to assist in the investigation and prosecution of trafficking and related crimes, but the financial and emotional costs of prolonged and delayed court proceedings, which may take place in other provinces, often deterred victims from doing so. Fear of retaliation by their traffickers sometimes led victims to recant their testimony. Although the government offered victims modest protection from reprisals and economic dislocation, a lack of funding and awareness prevented victims from being offered more effective incentives for assisting in prosecutions of trafficking offenders. The government provides temporary residency status, relief from deportation, shelter, and access to legal, medical, and psychological services to trafficking victims. The Department of Social Welfare and Development operated 42 temporary shelters for victims of all types of crimes throughout the country that were available to trafficking victims. The Philippine Ports Authority provided buildings and amenities at halfway houses for trafficking victims at seven ports, which were managed by an NGO. The Manila International Airport Authority and a partner NGO opened a halfway house at the Ninoy Aquino International Airport in 2008. The Department of Foreign Affairs (DFA) extended assistance to Philippine citizens trafficked abroad and managed repatriations. The Department of Labor and Employment (DOLE) deployed 40 labor attaches who served in embassies around the world to help protect migrant workers. DOLE operated 20 Filipino Worker Resource Centers in 17 key labor destination countries, providing services and shelter to Filipinos who have suffered abuse or trafficking conditions. In addition, DOLE's Overseas Workers Welfare Administration (OWWA) continued to send welfare officers abroad to support the work of labor attaches. The IACAT released a manual on the recovery and reintegration of trafficking victims and developed national performance standards for government handling of cases of violence against women, including trafficking.

Prevention

The Philippine government demonstrated continued efforts to raise awareness and prevent trafficking in persons, mainly for migrant workers, during the reporting period. In 2008, POEA conducted 1,250 pre-employment orientation seminars for over 60,000 departing overseas Filipino workers and trained approximately 130 local government units on how to identify warning signs of illegal recruitment and human trafficking, representing a significant increase over the number of local government units trained in 2007. POEA also trained diplomatic staff and overseas labor and

social welfare officers in methods for assisting trafficking victims abroad. Since its establishment in 2004, the government has not provided funding to IACAT. While lacking a substantial budget, the IACAT cooperated with NGO anti-trafficking initiatives, including a road-show campaign against human trafficking in Mindanao. IACAT continued to support the creation of local IACAT councils and created model anti-trafficking local ordinances. The government continued to turn over suspected U.S. citizen child sex tourists to the U.S. government for prosecution in the United States. The government did not make any efforts to reduce the demand for child sex tourism. Prior to deployment of troops for peacekeeping operations, the Department of National Defense and the Philippine National Police conducted seminars and training for peacekeepers, including a training module on trafficking. The government routinely provided training on antitrafficking and victim protection to personnel bound for overseas assignments. In 2008, DFA, with support from an international NGO, developed a computer-based, antitrafficking course that trained 350 foreign service officers. The government did not make any other efforts to reduce the demand for commercial sex acts in the Philippines, despite the country's thriving commercial sex industry; nor did the government take discernable steps to address the demand for forced labor.